

**Introduced by Senator Correa**

February 25, 2009

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An act to amend Section 5272 of the Business and Professions Code, relating to outdoor advertising.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 336, as introduced, Correa. Advertising displays.

The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. With the exception of products, goods, or services directed at an adult population, the act exempts from its provisions certain advertising displays in existence before January 1, 2009, at an arena located on public land with a capacity of 5,000 seats or more that provides a permanent venue for professional sports, and that advertises products, goods, or services that are or will be sold on the premise of the arena on a regular basis pursuant to an agreement of at least one year duration between the vendor or business and the property owner, facility owner, or facility operator.

This bill would authorize the advertising displays at the arena to advertise certain food and beverage products directed at an adult population if they are consumed on the premises and the products were advertised prior to July 1, 2008, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5272 of the Business and Professions
- 2 Code is amended to read:

5272. With the exception of Article 4 (commencing with Section 5300) and Sections 5400 and 5404, inclusive, nothing contained in this chapter applies to any advertising display that is used exclusively for any of the following purposes:

(a) To advertise the sale, lease, or exchange of real property upon which the advertising display is placed.

(b) To advertise directions to, and the sale, lease, or exchange of, real property for which the advertising display is placed; provided, that the exemption of this paragraph does not apply to advertising displays visible from a highway and subject to the Highway Beautification Act of 1965 (23 U.S.C., Sec. 131).

(c) To designate the name of the owner or occupant of the premises or to identify the premises.

(d) To advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed if the display is upon the same side of the highway and within 1,000 feet of the point on the property or within 1,000 feet of the entrance to the site at which the business is conducted or services are rendered or goods are produced or sold.

(e) (1) To advertise any products, goods, or services sold by persons on the premise of an arena pursuant to all of the following conditions:

(A) The arena is located on public land.

(B) The arena provides a venue for professional sports on a permanent basis.

(C) The arena has a capacity of 5,000 or more seats.

(D) The arena has an advertising display in existence before January 1, 2009.

(E) The products, goods, or services advertised are or will be offered for sale by persons on a regular basis during the term of an agreement between the vendor or business whose products, goods, or services are sold and the property owner, facility owner, or facility operator, and the term of the agreement is a minimum of one year.

(2) An advertising display authorized pursuant to this subdivision shall not advertise products, goods, or services directed at an adult population, including, but not limited to, alcohol, tobacco, gambling, or sexually explicit material. *This paragraph does not apply to any advertisement of a food or beverage product*

1 *that is consumed on the premises of the arena described in*  
2 *paragraph (1) if those products were advertised on the display*  
3 *prior to July 1, 2008, provided the advertisement continues to meet*  
4 *all of the conditions specified in paragraph (1).*

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